

## **Report to Utah State Democratic Party Executive Committee**

### **Executive Summary**

This review does not address the merits of any claims made in connection with complaints submitted to the Utah Democratic Party (“UDP”) in 2017 and 2018. It focuses solely on whether the Party followed its then published procedures in handling the complaints and on making suggestions for potential changes to the UDP’s current procedures. The scope of the assignment is set forth in Section I.

Section II provides a high-level procedural history of the handling of two related harassment complaints brought against the same individual in 2017 and 2018 and processed by the UDP pursuant to then-current anti-harassment procedures. Section II identifies some points in the procedural handling of the complaints at which different decisions could have been made, consistent with UDP’s governing documents, that likely would have led to the resolution of the matter on the merits in 2017 or 2018. Where it could not be determined (due to confidentiality of proceedings or lack of records) whether a decision was in fact made or, if made, on what basis we assumed for purposes of suggesting potential procedural improvements that the UDP either failed to make the decision or made it without considering options discussed in this review that may have been available to UDP.

Section III addresses the fundamental failure that results from the handling of the two complaints and the then current procedures: In our view the Party, in failing to reach any conclusion regarding the merits of the complaints submitted to it did not follow its then published procedures.

Section IV provides a variety of suggestions for the UDP to consider in connection with revising or updating its anti-harassment policies and procedures.

These suggestions focus on:

1. more clearly articulating the policy that is being enforced
2. indicating the group of individuals against whom it can be enforced against
3. placing less reliance on Robert’s Rules of Order
4. providing more communication with the participants during the process of handling a complaint
5. specifically addressing what, if any, different procedures will be used if the accused is an officer of the Party or a member of the Judicial Committee
6. more clearly establishing how confidentiality will be assured what will occur if confidentiality cannot be assured
7. providing a mechanism for triage of complaints and anticipating resource drains from complex complaints.

#### **I. Scope and Assumptions**

In connection with its ongoing review of its ‘Harassment Policies and Procedures’ the Utah Democratic Party (“UDP”) requested the undersigned Members of the Democratic National Committee from the State of Washington to review and comment upon the UDP’s handling of a series of complaints

submitted to the UDP in 2017 and 2018 and the related procedures adopted and utilized by the UDP, as most recently modified.

This review relates to process and procedures only. We have not been asked, and did not undertake, to assess the truth or falsity of any charge or to evaluate whether harassment did or did not take place. Although the process and procedures are reviewed in the context of actual claims, no effort has been made to evaluate the truth or falsity of the claims made by the complainants, or any merits-related defenses to those claims made by the accused. We did review extensive material submitted by the complainants but did so for the limited purposes of looking for procedural problems that could have or did occur in the handling of the claims that might not have been reflected in summary materials provided by the Party. Beyond that, for purposes of this review, both claims and defenses are assumed to be supported by substantive evidence and made in good faith. The handling of the claims and defenses, given those assumptions, is the focus of this document.

Neither of the undersigned is an attorney practicing in Utah. We are generally aware that an allegation made in connection with an internal party dispute resolution process can, in some circumstances, involve allegations of conduct that may be, if true, tortious or criminal and may expose the UDP to liability. We are not qualified to provide legal risk management advice to UDP and have not included such advice in the report below. However, as a general matter, we believe UDP dispute policies should provide the UDP the option, where it deems it appropriate, to defer to courts or law enforcement, if active litigation or investigation is in process, and to include in any promises of confidentiality, an exception to allow the UDP to disclose information when required to do so by law or court order. In addition, because Utah may not extend any privilege to statements made by participants in a voluntary private disciplinary proceeding, the UDP may want to consider whether it can reasonably, and should, require some immunity from libel or slander claims initiated by participants in the process.

## **II. History of the Claims and Their Handling**

On May 25, 2017 the Executive Committee of the UDP received a complaint ("2017 Complaint") from several Party members about the conduct of one of the candidates for State Party Chair. The complaint requested the Executive Committee:

- **to address the situation in a way it deems appropriate**
- **to take whatever steps necessary to protect other women who might work with him in the future**
- **to investigate these allegations**
- **to protect the reputation of the party should this pattern of behavior continue.**
- **Furthermore, we ask the Executive Committee to find ways to hold Democratic leaders within the community to a higher standard.**

At the time the 2017 Complaint was filed, the UDP had no anti-harassment policy or procedures in place. Upon receipt of the 2017 Complaint, the Executive Committee determined that the 2017 Complaint should be handled by the Party's Standing Judicial Committee,<sup>i</sup> but that Committee had not been fully populated. In order to populate the Judicial Committee, the Central Committee met on May 31, 2017 and asked the Party's Standing Rules Committee to act as the Judicial Committee for purposes of the 2017 Complaint.<sup>ii</sup>

The substitute Judicial Committee met to review the Complaint in closed door session on June 7, 2017, but other than indicating its deliberations were continuing, it made no statement.<sup>iii</sup> Early in the morning of June 8, the accused announced he was resigning from all party affiliations.<sup>iv</sup> A few days later, the substitute Judicial Committee declined to further handle the 2017 Complaint.<sup>v</sup> As later summarized by a subsequent Judicial Committee:

**On June 12, 2017, the Judicial Standing Committee determined that it did not have jurisdiction to hear the claim because the Accused was no longer a member or officer of the Democratic Party, stating 'The Judicial Committee has reviewed the complaint dated May 25, 2017 and all associated materials submitted by interested parties. The Judicial Committee has determined that there is no longer an intra-party dispute and lacks jurisdiction to pursue any further action specific to this complaint.**

The proceedings of the substitute Judicial Committee are confidential, and it cannot be determined whether the Committee considered alternative bases for proceeding further, such as the general power of the Party to discipline its members, which do not disappear if the member attempts to resign. Robert's Rules of Order, Newly Revised, 11<sup>th</sup> Edition, §§ 61-63 generally and §32: **("A resignation sent in to escape charges need not be accepted. The charges may be preferred, and the trial should proceed the same as if the resignation had not been sent in")**.<sup>vi</sup>

Subsequent to the decision, by the substitute Judicial Committee, the Party drafted and adopted, in March 2018, a specific set of procedures for handling harassment complaints "Anti-Harassment Procedures of the Utah Democratic Party", referred to herein as the "2018 Procedures"). Shortly thereafter, on May 30, the signers of the 2017 Complaint essentially resubmitted the earlier Complaint with additional evidence ("2018 Complaint") for handling under the new procedures.

Pursuant to the 2018 Procedures, the Judicial Committee assigned two investigators to **"complete a full, unbiased, and confidential investigation and complete a Report of Investigation"** within 14 days.<sup>vii</sup> The Investigators requested more time, which was agreed to, and apparently completed their report on or about June 24, 2018.<sup>viii</sup>

On June 25, the Judicial Committee advised the Executive Committee that the 2018 Complaint could not be pursued, on the basis that the Judicial Committee's hands were tied by the decision made with respect to the 2017 Complaint. In pertinent part, the Judicial Committee said:

**Because ... the key jurisdictional facts remain unchanged, the Judicial Standing Committee still cannot pursue any further action with respect to the resubmitted**

**complaint. The Accused's media actions after resignation from the party do not subject the Accused to the jurisdiction of the Judicial Standing Committee.**

**The Utah Democratic Party is a voluntary organization, and the Judicial Standing Committee has no authority to sanction those who are not members. Nor do the Party's Bylaws permit the Committee to re-open a complaint that was resolved under prior leadership. Based on the foregoing, the Judicial Standing Committee finds that it has no jurisdiction to investigate the May 30, 2018 Complaint against Mr. Miller.<sup>ix</sup>**

The Judicial Committee did not explain its apparent conclusion that a decision by the 2017 substitute Judicial Committee to not resolve the claim, because it thought it lacked jurisdiction, was an action of the prior Committee that "resolved" the claim.

The proceedings of the Judicial Committee are confidential, but it appears that the Committee investigators focused on determining the membership status of the accused, rather than on the merits of the complaint or future risks to other members if the complaint was meritorious. There is, for example, no indication that the Judicial Committee ever took the vote required by Section 1.d of the 2018 Procedures ("**whether the harassment occurred, as found by a preponderance of the evidence standard, by majority vote of those present**"); rather it seems to have taken the position that it lacked jurisdiction to determine whether a UDP member had been harassed by a former member and might be subjected to future harassment, by the same person, if that person were allowed to participate in party events (whether as a member of the public or as a reborn Democrat).<sup>x</sup>

The Executive Committee apparently concurred in the Judicial Committee's conclusion that the Judicial Committee lacked jurisdiction and that, in any event, it was barred from considering the 2018 claim because of the substitute Judicial Committee's decision regarding the 2017 Complaint. The complainants were officially notified of the Executive Committee concurrence on December 8, 2018 and given 14 days to appeal to the Central Committee.<sup>xi</sup>

On December 19, 2018 the Central Committee adopted some clarifying amendments to the 2018 procedures and created a new Select Committee to further address the modified 2018 Procedures and to address recommendations made by a 2018 Ad Hoc Sexual Harassment Task Force. The status of resolution of the 2017 and 2018 claims is not clear from the materials provided. Complainants' material suggests a trial was ordered

### **III. Handling of May 2017 Complaint and the 2018 Complaint**

The Substitute Judicial Committee disposed of the May 2017 Complaint without addressing the Complaint's merits, asserting an inability to proceed given an apparent resignation from the Party of the accused. The Judicial Committee disposed of the 2018 Complaint without addressing the Complaint's merits, asserting that it was required by the Substitute Judicial Committee conclusion that no authority

existed to proceed given the apparent resignation. In our view, either the May 2017 Complaint or the 2018 Complaint could have been substantively addressed by the UDP consistent with its procedures.

### **May 2017 Complaint**

The Substitute Judicial Committee dismissed the May 2017 Complaint on the basis that the accused' resignation deprived it of jurisdiction to continue to hear the complaint. No authority was given for this conclusion in any document that was made available to the complainants or to the undersigned.

In the absence of any explicit limitation on the Substitute Judicial Committee's jurisdiction, Article X, Section 3 of the UDP Constitution indicates that the Substitute Judicial Committee should have followed Robert's Rules of Order. Neither the UDP nor the Substitute Judicial Committee was required to accept the accused Resignation. See Robert's Rules of Order, Newly Revised, 11<sup>th</sup> Edition at §32:

**A resignation sent in to escape charges need not be accepted. The charges may be preferred, and the trial should proceed the same as if the resignation had not been sent in.**

The Substitute Judicial Committee could have recommended, to the UDP Executive Committee, that the resignation be declined, and either the Executive Committee or the Substitute Judicial Committee could have proceeded to further process the complaint and adopt any measures to protect UDP membership that were deemed appropriate.

The Substitute Judicial Committee was likely correct that if the resignation by the accused was accepted, the Committee had no authority to sanction the accused as a non-member. But it also would follow that the accused also then had no rights to participate in Party Activities, since he was no longer a member and the UDP could have barred him from future participation or membership in the organization if it chose to do so based on its view of his past conduct. The UDP is a private organization not a governmental entity.

Alternatively, the UDP could have suspended consideration of the May 2017 Complaint, indicating it would be reactivated if the accused returned to party activities or, to the same effect, could have conditioned acceptance of his resignation on his agreement that the May 2017 Complaint processing would be immediately re-opened should he return to Party activities.

In short, the Substitute Judicial Committee had options. Because its proceedings are confidential, we do not know whether it considered these options and had good reasons to decline to exercise any of them and, in the apparent absence of any communication with or explanation to the complainants, they and others would reasonably assume the Committee did not consider any of these options.

### **2018 Complaint**

The UDP did not follow its then current procedures in handling the 2018 Complaint.

At the time the 2018 Complaint was submitted the UDP had adopted and publicized Anti-Harassment procedures. The procedures required, in pertinent part, an investigation into the merits of any complaint filed and a decision whether, based on a preponderance of the evidence, the alleged harassment occurred and, if it did, what action is appropriate.

Rather than address the merits of the complaint, the 2018 Judicial Committee determined that it could take no action, because it was bound by the prior dismissal of the May 2017 Complaint by the Substitute Judicial Committee, for lack of jurisdiction. But nothing in the newly adopted procedures limited their applicability to conduct occurring after the adoption of the policy. And, if the prior dismissal for lack of jurisdiction was valid, it follows that the merits of the complaint were not addressed in 2017 and could still be reviewed by the Judicial Committee in 2018, without any risk of inconsistent findings.

The 2018 procedures provide the Judicial Committee with only four actions it may take with respect to a Complaint. The only circumstances in which the Judicial Committee is authorized to take “No Action” is if it concludes that no harassment took place, or the complainant withdraws the complaint. Neither event occurred and, accordingly, in failing to express an opinion, (subject to the qualification that it had to be based on the evidence the Committee could reasonably gather given its resources and time), whether the alleged harassment occurred, the Judicial Committee failed to follow UDP’s publicized procedures.<sup>xii</sup>

#### **IV. Further Revisions to the Current Policy**

Based on our review of the voluminous material submitted to us in connection with the May 2017 Complaint and the 2018 Complaint our own experience in presiding over a disciplinary complaint against a local party officer that was contested and went to a trial governed by Robert’s Rules we have several suggestions that the UDP may want to consider incorporating into its ongoing anti-harassment policies.

1. **Adopt a Concrete Policy:** The existing Utah Democratic Party anti-harassment policy provides no definition of what the Party regards as harassment; it simply provides a skeleton of procedures to process a complaint alleging harassment. The question of what constitutes, (or does not constitute) harassment, is effectively determined on a case by case basis behind closed doors by a committee whose proceedings are confidential. The absence of a clear and specific code of conduct can create several problems: First, because the general membership has no clear common understanding of what conduct leads to what sanction, the absence of a policy invites an excessive number of complaints and overload the resources of the system and extensive arguments during the processing of a complaint about whether the conduct specified in the complaint conduct is harassment. Second, the absence of a specific code of conduct means there is no guidance to the general membership about what it should not do and the standard of conduct to which it should aspire. “Do unto others as you would have them do unto you” are very wise words. But the reality for many people is closer to “If everyone would behave like me everything would be fine.” A vague

or absent code of conduct assumes an inherent common understanding of expected behavior. We recommend adoption of a specific code of conduct, such as the draft code under consideration by the UDP Harassment Task Force.

2. **Scope of Application:** The existing policy does not define its scope of application and, as a result, may create unrealistic expectations among the membership of the UDP. It may also lead to an excessive number of complaints, if the universe of application is too broad. If the UDP intends the policy to only be enforceable against active members of the UDP, it should say so expressly. By the same token, if the UDP intends that the policy not be enforceable against some members of the UDP, (e.g., two Party members interacting at a social function sponsored by their church), it should be clear as to the limits of its application.
  - a. In this regard, if the UDP adopts the draft code of conduct under consideration by the UDP Harassment Task Force, it should clarify its intended scope. The draft code states that “these guidelines apply to all members of the Utah Democratic Party.” Comparing that language to the Constitution of the UDP, the code appears to apply to every registered Democrat in the state who wishes to associate with the Party, and to all Democratic Party candidates and elected officials. This broad language suggests to readers that any registered Democrat can cause any Democratic elected official to be the subject of a disciplinary proceeding and possible sanctions, even during a campaign, based on the voter’s opinion that the code has been violated. The UDP apparently does intend the policy to provide a basis for sanctioning elected officials and candidates, since section 1.f.g of its current procedures, provide for such a sanction, but it may wish to place some limit on the universe of people who can initiate a proceeding. Washington, for example, requires a member of the State Committee to bring any complaint under its policy. The complaint can relate to alleged harassment of a non-member, but the body cannot be forced to spend resources resolving a complaint unless at least one member of the body believes the matter should be pursued.
  - b. Although the draft code of conduct says it applies to all members of the UDP, its enforcement provision is based on the rights of deliberative assemblies. “Deliberative assemblies”, refers to groups that meet and deliberate, and take actions. Such groups have inherent rights to discipline the members of the meeting group, according to Robert’s Rules. It is not clear that those rights extend beyond the group that deliberates, however, which is a far narrower universe than the entire membership of the UDP.
3. **Avoiding the Default Disciplinary Procedures found in Robert’s Rules:** The current anti-harassment procedures of the UDP do not delineate, in any detail, the procedures for resolving contested matters. Instead, the procedures rely on Robert’s Rules impliedly, in connection with Judicial Committee proceedings, given that Robert’s applies to all meetings in the UDP, for which that are no special rules established, that prevail over Robert’s. In connection with trials, the 2018 UDP Anti-Harassment Policies and Procedures expressly require Robert’s to be followed. (“The Central

Committee shall conduct any trial it approves in accordance with the most current publication of Robert's Rules of Order Newly Revised, and for any matter not addressed by Robert's Rules of Order Newly Revised, the Utah Rules of Evidence.”) Having been forced to conduct such a trial, we highly recommend that the UDP consider carefully whether it wants to design its own procedures, or least more explicitly, override Robert’s in several places now, rather than trying to develop rules during the trial.<sup>xiii</sup> Robert’s, for example, gives the accused rights of cross-examination, permits hearsay evidence, requires guilt to be ascertained “to a moral certainty” (an undefined standard). Particularly, in connection with harassment claims, the UDP may want to adopt specific rules relating to the cross-examination of the complainant by the accused, for example.

4. **Communication:** A fundamental purpose of an anti-harassment policy is to provide confidence to party members that they are safe and respected and that, to the extent that disputes develop, disputes will be handled fairly and efficiently within the Party structure to the extent possible. To achieve this level of confidence the policy and procedures established by the Party, for handling harassment related complaints, should provide for proactive communication to all participants about the progress of complaint handling and the basis for any resolutions. We were greatly concerned about the lack of communication with participants reflected in the handling of the May 2017 and 2018 complaints though we could not say that the lack of communication violated existing policies. Fortunately, the UDP seems aware of this issue and is proactively working to improve it. The current UDP anti-harassment procedures have made large steps towards good communication. Nevertheless, it may be good to expressly require a periodic review, including proactively seeking input from participants since the last such review, of whether good communication has been achieved, in practice, or whether further steps need to be taken.
5. **Special Procedures When the Chair or Members of the Judicial Committee are the Accused.** Under the UDP Bylaws there is substantial overlap between the officers of the UDP and the Judicial Committee that would investigate them, if they were the subjects of a complaint. In addition, the Judicial Committee has an extremely low quorum requirement (Article VII, Section 3 of the UDP Bylaws sets the quorum at whoever shows up at the meeting). It is important that proceedings involving officers not only be fair in fact but appear to be fair. The UDP should specifically state special procedures relating to investigations of complaints against officers and who will determine sanctions, if any are warranted.
6. **Confidentiality:** Maintaining confidentiality, in connection with a disciplinary process, is difficult in an organization like the Democratic Party that has a strong commitment to openness and broad involvement of its membership in decisions. It is even more difficult near election times when the general interest of the media and public in political disputes increases sharply. It cannot be assumed that matters will remain confidential unless all individuals involved actively agree to maintain confidentiality. It is not only the Committee that must agree to maintain confidentiality; the participants themselves must agree to do so as well. The UDP procedures require matters to be confidential, but do not require express promises to keep matters confidential, nor do they specify what the UDP will do if one or both of the complainants and the accused simply decides to take their



complaint (or defense) to the press. The procedures adopted by the UDP should be clear on the mechanism by which the Party will obtain that agreement from both complainant and accused and, if it is unable to obtain that agreement, what the rights of the parties may be.

7. **Complaint triage and Resource planning:** The existing policy provides no organized approach to triaging complaints so that complaints, in which there is no factual dispute, or in which no witness interviews are needed, are handled quickly and with a minimum of Committee involvement. On the other hand, if a complaint is complicated and unlikely to be resolved by mediation, the Judicial Committee should bring it to the attention of the Executive Committee, as soon as possible, so that adequate resources and support can be given to the investigation and handling of the complaint. In addition, the Executive Committee may want to consider establishing a reserve each year to provide resources to hire help in the event of a high profile or intense claim occurring on the eve of election. If no such complaint materializes the reserve can be freed up for campaign assistance. But if such a complaint does occur the UDP will find it much easier to handle the matter quickly and without distraction if it can hire personnel and resources to focus on it rather than having to divert already committed resources from campaigns.

Submitted March 10, 2018

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<sup>i</sup> UDP Bylaws, Article VII, Section 3, 753 authorize the Judicial Committee to perform several functions, including providing for the “resolution of intra-party disputes” and, in addition, UDP’s Standing Committee are not limited to performing the functions assigned to them in the Bylaws. Bylaws, Article VII, Section 1, 691-694.

<sup>ii</sup>It should be noted that the Rules Committee and the Judicial Committee created by UDP are fundamentally different groups. The Judicial Committee has a general focus on disputes and compliance, a specified composition, is limited to ten members and has a stated preference for its regional membership to be composed of lawyers. (Bylaws, Article VII, Section 3, lines 762-767). The State Party Chair, its Vice-Chair and the UDP General Counsel are automatically members of the Judicial Committee. The Rules Committee has a general focus on rules for elections and credentials issues, a different and much broader composition, consisting of 30 or 34 members, and a state preference that its regional members be County Party Secretaries. (Bylaws, Article VII, Section 2, 732-737 and 743-747). The State Party Secretary is automatically a member of the Rules Committee.

<sup>iii</sup> <http://archive.sltrib.com/article.php?id=5377836&itype=CMSID> (The Salt Lake Tribune, June 8, 2017)

<sup>iv</sup> The accused’s Facebook post stated, in part, **“I officially withdraw from the race for Utah State Democratic Party Chair and my membership with the Party. By 5pm today I will officially become an unaffiliated voter.”**

████████████████████ indicates she submitted a related complaint (alleging libelous statements were made about her in relationship to the complaint filed on May 25 against Mr. Miller). She did not have a copy of the “as filed” complaint but provided a draft dated June 6, indicating it was minimally

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edited and thereafter submitted. The [REDACTED] apparently requested an investigation into the basis for specific statements claimed to be defamatory, a declaration that [REDACTED] did not engage in the conduct claimed and that Mr. Miller's statements in that regard were unfounded. In the absence of any information about what happened with this complaint it is difficult to evaluate its handling but it is noted that the earliest it could have been submitted would be just two days before Mr. Miller announced his resignation. Accordingly, it is assumed that either the [REDACTED] complaint was not handled at all or was deemed dismissed based on lack of jurisdiction when the May 2017 complaint was dismissed.

<sup>vi</sup> Robert's Rules of Order, as most recently revised, governs the conduct of all meetings of the UDP absent provisions to the contrary. UDP Constitution, Article X, Section 3.

<sup>vii</sup> 2018 Procedures, 1.c.

<sup>viii</sup> Harassment Claim 01 Timeline Review, 1A-1D.

<sup>ix</sup> 2018 Harassment Claim 01 Judicial Report

<sup>x</sup> The 2018 Procedures do not contain any express statement of any jurisdictional limits on the authority of the Judicial Committee to investigate properly submitted complaints and recommend their disposition to the Executive Committee. Similarly, the range of functions that can the Judicial Committee is authorized by the Party's Bylaws to undertake is not limited to the functions expressly set forth in the Bylaws. The Committee is also authorized to carry out any additional responsibilities assigned to it by the State Central Committee. Bylaws, Article VII. Section 1, 693-94. In adopting the 2018 Procedures the Central Committee clearly assigned to the Judicial Committee the responsibility to investigate any properly submitted complaint and determine whether, within the limits of the time frame and resources available, whether the complained of harassment more likely than not took place. Jurisdiction to investigate and determine whether a current, former, or non-member harassed a member of the UDP appears to have been granted by the Central Committee. Assuming harassment took place and the harasser is a non-member the Judicial Committee might have difficulty coming up with a sanction that the UDP had the ability to enforce but it clearly has jurisdiction to investigate just as the Executive Committee would not question whether it had jurisdiction to investigate whether the State GOP was distributing flyers deceptively disguised as UDP literature and using the UDP logo. The Central Committee could have included, and in the future perhaps should include, in the anti-harassment procedures limits on the parties who may bring a complaint that the Judicial Committee is required to investigate, who they may complain about, and similar limits on the authority of the Judicial Committee. But it did not.

<sup>xi</sup> The nature of any appeal (and related procedures and voting majorities) is not stated. There has been no decision as to the merits of the claim or the facts asserted. There has simply been a ruling by the Judicial Committee, affirmed by the Executive Committee, that the Judicial Committee lacked jurisdiction and is barred from addressing the claim because the 2017 Committee determined that it had no jurisdiction. An appeal of that decision would seem to be akin to an appeal of a ruling of the Chair on a point of order.

<sup>xii</sup> In connection with the second prong of its charge, recommending appropriate action, the Judicial Committee could have considered its limited options if the accused were still a non-member. But the procedures do not appear to authorize the Committee to avoid stating an opinion about the occurrence of the harassment by reversing the order of tasks it was given and then to conclude that possession of only a limited range of options meant it need not carry out its primary duty of determining whether harassment occurred.

<sup>xiii</sup> In connection with Washington's adoption of its Code of Conduct it asked its Rules Committee to recommend procedures to be used to "operationalize" the Code. A review of some issues that should be considered by the Rules Committee was created at that time. Because the draft code of conduct that UDP appears to be considering is very similar to the Washington Code of Conduct the review done for

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Washington's Rules Committee may be of some use to UDP. We have extracted, and attached, portions of that review were not Washington State specific in the event they might be helpful to UDP.